

REMARKS

After entry of this amendment, claims 1-9 are pending. The claims have been amended without disclaimer or prejudice to remove multiple dependencies and to better comply with U.S. practice. The amendments find support *inter alia* in the original claims. The amendment to claim 4 finds further support in the specification at page 10, lines 7-21. No new matter has been added.

Claim Objections

The Examiner objected to claims 5-9 for being improperly dependent. In light of the amendments, the objection is believed to be rendered moot. Reconsideration and withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-4 were rejected under 35 U.S.C. § 103 as being obvious over Kamal *et al.* (Tetrahedron Letters, 2003; hereinafter "Kamal") in view of Deeter *et al.* (Tetrahedron Letters, 1990; hereinafter "Deeter") and Zimmerman (U.S. Patent No. 5,254,737). Applicants respectfully traverse.

The Examiner noted that the Applicants could not rely on the foreign priority to overcome this rejection because a translation of the priority document had not been made of record. Applicants submit herewith a certified copy of the English translation of the priority document DE 102 35 206.2 filed August 1, 2002, accompanied by a statement that the translation of the certified copy is accurate, pursuant to 37 CFR § 1.55 (a)(4)(i)(b) and (a)(4)(ii). Applicants respectfully request that this certified translation be made of record.

Kamal has a publication date of 2003. Therefore, Kamal is not prior art because the publication date is after the filing date of the priority application to which the present application claims benefit. In view of the submission of the certified English translation of the priority

document, the rejection is believed to be rendered moot. Reconsideration and withdrawal of this rejection is requested.

CONCLUSION

For at least the above reasons, Applicants respectfully request withdrawal of the rejections and allowance of the claims. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

This response is filed within the three-month period for response from the mailing of the Office Action, to and including February 18, 2008. No fee is believed due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13111-00020-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski, Ph.D.

Registration No.: 55,421
CONNOLLY BOVE LODGE & HUTZ LLP
Correspondence Customer Number: 23416
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicants